UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,213	10/17/2000	Malik Mamdani		2169

7590 07/08/2003

Simon Fakhoury Tangalos Frantz & Galasso PLC
Post Office Box 26503
Austin, TX 78755-0503

EXAMINER	
IQBAL, KHAWAR	
ART UNIT	**PAPER NUMBER**
2686	6

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/690,213	Applicant(s) MAMDANI ET AL.	
	Examiner Khawar Iqbal	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-45 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-45 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25,30,34-44 are rejected under 35 U.S.C. 102(e) as unpatentable by Hymel et al (WO 00/03328).

3. Regarding claim 1 Hymel et al teaches a method for facilitating a wireless transaction (abstract, figs. 2,3,7 and 10) comprising:

receiving, by a wireless communication device, a first transaction code (page 3, lines 33-36, page 4, lines 19-20); and

displaying the first transaction code on a visual display of the wireless communication device (page 4, lines 3-5, see above).

Regarding claim 2 Hymel et al teaches wherein receiving the first transaction code includes receiving a first optically scannable transaction code (page 4, lines 5-15, page 6, lines 11-15 fig.2).

Regarding claim 3 Hymel et al teaches wherein receiving the first optically scannable transaction code includes receiving a first transaction barcode (page 4, lines 3-15, page 6, lines 11-15 fig.2, 3).

Regarding claim 4 Hymel et al teaches further comprising: optically scanning the first transaction code from the visual display of the wireless communication device (page 4, lines 3-15, page 6, lines 11-15 fig.2, 3).

Regarding claim 5 Hymel et al teaches communicating the first transaction code from a transaction apparatus to the wireless communication device (page 4 lines 3-5).

Regarding claims 6-8 Hymel et al teaches wherein communicating the first transaction code includes communicating the first transaction code directly from the transaction apparatus to the wireless communication device (page 6, lines 11-36).

Regarding claim 9 Hymel et al teaches further comprising: verifying the first transaction code in response to scanning the transaction code (page 10, lines 1-20).

Regarding claim 10 Hymel et al teaches wherein verifying the first transaction code includes communicating a decoded representation of the first transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 10, lines16-25).

Regarding claim 11 Hymel et al teaches receiving, by the wireless communication device, a second transaction code after verifying the first transaction code (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 12 Hymel et al teaches wherein receiving the second transaction code includes receiving a second optically scannable transaction code (page 8, line 26, page 9, line 10 page 7, lines 7-32).

Regarding claim 13 Hymel et al teaches wherein receiving the second optically scannable transaction code includes receiving a second transaction barcode (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 14 Hymel et al teaches communicating the second transaction code from a transaction apparatus to the wireless communication device (page 8, line 26, page 9, line 10, page 7, lines 7-32).

Regarding claim 15 Hymel et al teaches communicating the second transaction code includes communicating the second transaction code directly from the transaction apparatus to the wireless device (page 8, line 26, page 9, line 10, page 7, lines 7-32)

Regarding claim 16 Hymel et al teaches wherein communicating the second transaction code directly from the transaction apparatus includes communicating the second transaction code from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 7, lines 7-32, page 8, line 26, page 8, line 10).

Regarding claim 17 Hymel et al teaches wherein communicating the second transaction code from the radio transceiver of the transaction apparatus includes communicating the second transaction code from a transaction fulfillment system of the transaction apparatus (page 8, line 26, page 8, line 10,page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 18 Hymel et al teaches, further comprising: optically scanning the second transaction code from the visual display of the wireless communication device; verifying the second transaction code; and receiving, by the wireless communication device, a transaction fulfillment message (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 19 Hymel et al teaches further comprising: communicating the transaction fulfillment message from a transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 20 Hymel et al teaches where communicating the transaction fulfillment message includes communicating the transaction fulfillment message directly from the transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 21 Hymel et al teaches wherein communicating the transaction fulfillment message directly from the transaction apparatus includes communicating the transaction fulfillment

message from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 22 Hymel et al teaches wherein communicating the transaction fulfillment message from the radio transceiver of the transaction apparatus includes communicating the transaction fulfillment message from a transaction fulfillment system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 23 Hymel et al teaches wherein verifying the second transaction code includes communicating a decoded representation of the second transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claims 24-25 Hymel et al teaches receiving, at a transaction apparatus, a transaction request from a transaction requester; verifying an identity of the transaction requester, and communicating the first transaction code from the transaction apparatus to the wireless communication device after verifying the identity of the transaction requester and wherein receiving the transaction request includes receiving the transaction request from the wireless communication device of the transaction requester (page 7, line 30-page 8, line 9, page 10, lines 5-13 and 20-25).

Regarding claim 30 Hymel et al teaches a system for facilitating a wireless transaction (abstract, figs. 3,7,10), comprising:

a wireless communication device capable of (fig.1, fig. 7, device 10, fig. 10, device 10):

receiving a transaction code (page 3, lines 33-36, page 4, lines 19-20); and

displaying the transaction code on a visual display of the wireless communication device (page 4, lines 5-10); and

a transaction apparatus capable of: receiving a transaction request from a transaction requester (page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37);

verifying an identity of the transaction requester, communicating a transaction code to the wireless communication device (page. 4, lines 5-15,page 6, lines 11-15, see above): and

optically scanning the transaction code from the visual display of the wireless communication device (page 6, lines 1-10 and 25-35 and see above)

Regarding claims 34-39 Hymel et al teaches wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device (fig. 7, 10). wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device and wherein the transaction apparatus is coupled to the telecommunication network through a computer network system (page 6, lines 23-36, page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37).

Regarding claims 40-44 Hymel et al teaches wherein the transaction apparatus includes a code scanning device for optically scanning the transaction code, wherein the code scanning device includes a bar code reader and wherein the transaction apparatus and the wireless communication device each include a radio transceiver for enabling, communication directly between the wireless communication device and the transaction apparatus (page 9 line 32-page 10, line 25, see above).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 26-29,31-33 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulvinen et al (6393305) and further in view of Hymel et al (WO 00/03328).

6. Regarding claims 26-29,31-33 and 45 Ulvinen et al teaches a method for facilitating a wireless transaction, comprising (abstract, fig. 3):

communicating a transaction request from a wireless communication device to a transaction apparatus (col.4, lines 55-67);

communicating a spoken authentication code from the wireless communication device to the transaction apparatus (col.2, lines 31-44);

authenticating the spoken authentication code (abstract); receiving, by the wireless communication device (col. 6, lines 38-47), a transaction code after authenticating the spoken authentication code (col.5, lines 1-28, fig. 3). Ulvinen et al does not specifically teach displaying the transaction code on a visual display of the wireless communication device; and optically scanning the transaction code from the visual display of the wireless communication device. In an analogous art, Hymel et al teaches displaying the transaction code on a visual display of the wireless communication device (page 14, lines 3-13); and optically scanning the transaction code from the visual display of the wireless communication device (page 14, lines 23-37). The user information is displayed on the selective call

receiver such that it can be read. The barcode is received by the selective call receiver in the form of a transmitted message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ulvinen et al by specifically adding a code display on the wireless device and optically scanned it for the purpose of increasing the efficiency of communication system and providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ravago et al (6529584), Roberts (6493110) and Amin et al (6411807) teach a wireless telecommunication system only of the user's speech characteristics match pre-stored characteristics associated with the selected word.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dwayne Bost**, can be reached at 703-305-4778.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal

6-26-03

ERIKA GARY
PATENT EXAMINER